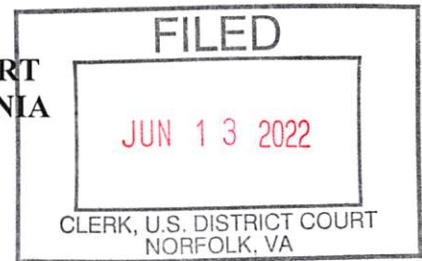


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



TABETHIA T.,

Plaintiff,

v.

Case No. 2:21-cv-026

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

ORDER

Before the Court is Tabethia T.'s ("Plaintiff") Objection to United States Magistrate Judge Douglas E. Miller's April 7, 2022 Report and Recommendation, which was filed by Plaintiff on April 21, 2022. Pl.'s Obj. to Apr. 7, 2022 Order, ECF No. 26. Acting Commissioner of Social Security, Kilolo Kijakazi ("Defendant"), responded to Plaintiff's Objection on April 28, 2022. Def.'s Resp. Pl.'s Obj., ECF No. 27.

A district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to within 14 days. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b). Plaintiff argues that Judge Miller erred by finding that the ALJ's residual functional capacity ("RFC") determination was supported by substantial evidence and based upon the correct legal standard. Defendant contends that Judge Miller was correct in finding that the ALJ interpreted *Lewis v. Berryhill*, 858 F.3d 858, 869 (4th Cir. 2017) correctly and that the ALJ's determination was supported by substantial evidence.


Upon *de novo* review of all evidence relevant to Plaintiff's Objection, the Court finds no error with Judge Miller's proposed disposition. The Court hereby **ADOPTS AND AFFIRMS** Judge Miller's Report and Recommendation regarding Plaintiff's qualification for disability

insurance benefits and supplemental security income under the Social Security Act. The Commissioner's Motion for Summary Judgment is **GRANTED**, and Plaintiff's Motion for Summary Judgment is **DENIED**.

The Clerk is **DIRECTED** to send a copy of this Memorandum Opinion and Order to the parties and all counsel of record.

IT IS SO ORDERED.

Norfolk, Virginia
June 13, 2022



Raymond A. Jackson
United States District Judge